

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 13020 OF 2006

Dated: 31-07-2006

Between:

T.Ramana and others

Petitioners

And

The Municipal Corporation, Vishakapatnam rep by  
its Commissioner

Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 13020 OF 2006

ORDER:

1 This writ petition is filed for a Writ of Mandamus declaring the action of the respondent, its agents, subordinates, officials from interfering with the peaceful possession and enjoyment of the petitioners in respect of their plots bearing Nos.53,21,35,38,48,44,23,37,30,31,32,43,34,55,18,41,16,50,46,47,51,52,13 and 20 in Survey No.1/2 situated at Satyasai Nagar Colony, Chinna Gadili Mandal, Vishakapatnam, as illegal arbitrary and unconstitutional and pass such other suitable orders.

2. Several factual details had been narrated. It is stated that without following any due process of law, the respondent's interference cannot be sustained. In the light of the stand taken by the writ petitioners and also in the light of the several averments made in the affidavit filed in support of the writ petition, this court is of the considered opinion that the writ petition be disposed of with the following direction.

3. The respondent is hereby directed not to interfere or disturb the peaceful possession and enjoyment of the petitioners in relation to the subject matter of the writ petition unless and until they follow due process of law. However, it is made clear that the petitioners not to proceed with any further constructions until the respondent follows the due process of law.

4. With the above direction, the writ petition is disposed of. No order as to costs.

---

31-07-2006

Stp